

REMARKS

I. INTRODUCTORY REMARKS

Claims 23-67 and 69-83 are pending in the application. By this Amendment, in furtherance to the response filed June 30, 2006 (previously unentered, now believed to be entered by operation of the Request for Continued Examination filed April 18, 2007), claims 23, 25-29, 34, 37, 43-45, 50, 56, 61, 65, 67, and 71 are amended to correct minor informalities and to more particularly recite the features of the medicated device and related methods. Claim 68 is canceled. New claims 75-83 are added. In view of the foregoing amendments and following remarks, it is believed that the application is in condition for allowance. Reconsideration and withdrawal of the outstanding rejections are respectfully requested.

II. SUPPLEMENTAL AMENDMENT

The Applicants respectfully submit the instant Supplemental Amendment pursuant to 37 C.F.R. § 1.111(a)(2). On September 23, 2005, the Office mailed a Final Rejection, the period of response for which was restarted on March 3, 2006. Applicants submitted a Response on June 30, 2006, which was refused entry into the record (*see* Advisory Action dated August 21, 2006). Thereafter, Applicants filed a Notice of Appeal and Pre-Appeal Brief Request for Review on September 5, 2006, in response to which the Office issued a Notice of Panel Decision on October 19, 2006. On April 18, 2007, Applicants filed a Request for Continued Examination (RCE) seeking entry of the previously unentered response and also submitting an Information Disclosure Statement. Entry of this Supplemental Amendment is respectfully requested based on 37 C.F.R. § 1.111(a)(2)(i) since it is believed to satisfy one or more of the reasons set forth in subsections (B), (C), (E), and/or (F), including adoption of a suggestion(s) by the Examiner in a telephone discussion on November 1, 2006, placement of the application in condition for allowance, correction of informalities, and/or simplification of issues for appeal.

III. CLAIMS 23-67 AND 69-74

The arguments presented in the Response filed June 30, 2006, in support of the patentability of claims 23-67 and 69-74, are hereby incorporated by reference. Furthermore, by this amendment, claims 23, 25-29, 34, 37, 43-45, 50, 56, 61, 65, 67, and 71 are amended to correct minor informalities and to more particularly recite the features of the medicated device and the method. For example, independent claims 23, 43, 45, and 61 are amended to recite, *inter alia*, "a substrate

comprising adjacent edges or surfaces in close proximity to each other defining an opening, a coating bridging from one edge or surface to another across the opening." Similarly, independent claim 50 is amended to recite, *inter alia*, "a substrate suitable for implantation into a patient's body and comprising adjacent edges or surfaces in close proximity to each other defining an opening; and a formulation comprising at least one polymer and at least one therapeutic agent, the formulation bridging from one edge or surface to another across the opening." Support for the recitations of the "opening" in these claims is provided, for example, at page 7, lines 12-20 of the instant disclosure. Furthermore, with respect to recitations of the therapeutic agent and loading amounts thereof, support may be found, for example, at page 5, lines 3-16; page 6, lines 9-13; page 12, lines 1-5; and page 14, lines 4-19. Claim 25 is amended to recite "the therapeutic agent" for purposes of consistency with claim 61, from which claim 25 depends. Furthermore, for example, claims 26-29, 34, 37, 44, 56, 65, 67, and 77, are amended to avoid redundancy and/or for purposes of consistency and clarification. Reconsideration and withdrawal of the rejections of these claims are respectfully requested.

IV. NEW CLAIMS 75 – 83

By this Amendment, new claims 75-83 are added to more particularly recite the medicated device. Claim 75 is added to depend from claim 61 and recites that "the at least one polymer comprises a poly(L-lactic acid) blend." Support for such recitation is provided, for example, at page 6, line 28. Claim 76 is added to depend from claim 61 and recites that "the at least one polymer comprises a polyester." Support for such recitation is provided, for example, at page 11, line 19. New claim 77 recites that the medicated device comprises "a therapeutic agent; means for containing the therapeutic agent; and means for providing structural support to the containing means, wherein the containing means bridges from one portion of the structural support providing means to another portion of the structural support providing means, wherein the therapeutic agent is at a loading sufficient to deliver a therapeutically effective quantity of the therapeutic agent in a patient's body when the device is implanted therein." Claims 78-83 depend from claim 77. Support for the recitations in claims 77-83 can be found, for example, at page 14, lines 3-19; page 13, line 33 through page 13, line 15; and page 7, lines 3-25. Examples 3 and 5-7 on pages 15-21 provide additional support. With respect to the therapeutic agent and loading amounts thereof, support may be found, for example, at page 5, lines 3-16; page 6, lines 9-13;

page 12, lines 1-5; and page 14, lines 4-19. Entry and consideration of claims 75-83 on the merits are respectfully requested.

V. CONCLUSION

Claims 23-67 and 69-83 are pending in the application. In view of the foregoing amendments and remarks in conjunction with the Response previously filed June 30, 2006 (now entered), and RCE filed April 18, 2007, Applicant believes that a full and complete reply has been made to the Final Office Action dated March 3, 2006. The present application is believed to be in condition for allowance. If the Examiner believes, for any reason, that a personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration on the merits is respectfully requested.

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Respectfully submitted,


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